

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

NATHEN BARTON,

Plaintiff,

v.

LENDINGPOINT, LLC & JOHN DOE 1-10,

Defendants.

Civil Action No. 3:21-cv-5635

Clark County District Court No. 21C4233-1

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant LendingPoint, LLC (“LendingPoint”), hereby removes this action from the District Court of the State of Washington for the County of Clark to the United States District Court for the Western District of Washington, Tacoma Division, and states as follows for its Notice of Removal. Removal is proper because this Court has subject matter jurisdiction over this action under federal question jurisdiction pursuant to 28 U.S.C. § 1331.

I. INTRODUCTION

On August 12, 2021, Plaintiff Nathen Barton filed a complaint against LendingPoint and unnamed and otherwise-unidentifiable individuals, titled *Barton v. LendingPoint, LLC*, Case No. 21C4233-1 (the “State Court Action”). A copy of the complaint is attached as Exhibit 1 to this Notice.

A copy of all additional documents served on LendingPoint in the State Court Action up

1 to the time of this filing are attached as Exhibit 2. Taken together, the contents of Exhibits 1 and
2 2 satisfy LendingPoint's obligations under 28 U.S.C. § 1446(a).

3 LendingPoint was served with the complaint in the State Court Action on August 12,
4 2021. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal "shall be filed within 30 days
5 after the receipt [of the complaint] by the defendant." Because fewer than 30 days have passed
6 since LendingPoint was served with the complaint, this Notice is timely filed.

7 The complaint asserts claims based on the Telephone Consumer Protection Act, 47
8 U.S.C. §§ 227 et seq. ("TCPA"), and federal regulations relating to the do-not-call list managed
9 by the U.S. Federal Trade Commission. LendingPoint denies the allegations in the complaint
10 and maintains that Plaintiff's allegations fail to support a claim for which relief can be granted.
11 By removing this case, LendingPoint does not waive any defenses, objections, or motions
12 available under applicable law, including without limitation the right to move for dismissal
13 pursuant to Federal Rule of Civil Procedure 12.

14 II. GROUNDS FOR REMOVAL

15 Under 28 U.S.C. § 1331, district courts have original jurisdiction over "all civil actions
16 arising under the laws of the United States." Plaintiff's complaint in the State Court Action
17 alleges violations of the TCPA and related federal regulations. Accordingly, this Court has
18 jurisdiction over the action pursuant to 28 U.S.C. § 1331, and this case is removable pursuant to
19 the Court's federal question jurisdiction. *See* 28 U.S.C. § 1441(a).

20 Under 28 U.S.C. § 1367(a), "the district courts shall have supplemental jurisdiction over
21 all claims that are so related to claims in the action within such original jurisdiction that they
22 form part of the same case or controversy." In addition to the violations of the TCPA and related
23 federal regulations, Plaintiff's complaint alleges violations of Washington State law. These
24 claims arise out of the same events regarding the same telephone calls that are the subject of
25 Plaintiff's TCPA claim. Thus, these state law claims are based on the same set of factual
26 allegations as Plaintiff's cause of action arising under the TCPA. Therefore, they are so related

1 that they form part of the same case or controversy. Accordingly, this Court has supplemental
2 jurisdiction over Plaintiff's state law claims.

3 **III. Venue**

4 Venue is proper in this Court under 28 U.S.C. § 1441(a), because the court where the
5 State Court Action is pending—the District Court of the State of Washington for the County of
6 Clark—is within this judicial district.

7 **IV. NOTICE**

8 Pursuant to U.S.C. § 1446(d), and concurrent with the filing of this Notice, LendingPoint
9 will file with the District Court of the State of Washington for the County of Clark a notice of
10 filing this Notice of Removal. At the same time, LendingPoint will serve copies of all relevant
11 documents on Plaintiff.

12 **V. CONCLUSION**

13 As detailed above, LendingPoint has met all requirements for removal of the State Court
14 Action to federal court, pursuant to U.S.C. § 1441 and 1446, including all jurisdictional
15 requirements of U.S.C. § 1331.

16
17 DATED this 31st day of August, 2021. JORDAN RAMIS PC

18
19 /s/ Scott S. Anders

20 Scott S. Anders, WSBA #19732

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Attorneys for Lendingpoint, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the date shown below, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

N/A

I also certify the document and a copy of the Notice of Electronic Filing was served via U.S. Mail on the following non-CM/ECF participants:

Nathen Barton
4618 NW 11th Cir.
Camas, WA 98607

DATED: August 31, 2021.

/s/ Scott S. Anders

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